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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,640	03/30/2004	Takayuki Takimoto	82285	5271
22242	7590	02/23/2007		
FITCH EVEN TABIN AND FLANNERY			EXAMINER	
120 SOUTH LA SALLE STREET			SLITERIS, JOSELYNN Y	
SUITE 1600				
CHICAGO, IL 60603-3406			ART UNIT	PAPER NUMBER
			3616	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/23/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/812,640

Applicant(s)

TAKIMOTO, TAKAYUKI

Examiner

Joselynn Y. Sliteris

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) 4,5,7-10,14,15,18-20,23-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,6,11-13,16,17,21,22 and 26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11/30/06 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Election/Restrictions*

1. Claims 4, 5, 7-10, 14, 15, 18-20, and 23-25 remain withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 8/11/06.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 2, 11, 12, 13, 21, and 26 are rejected under 35 U.S.C. 102(e) as being anticipated by Kikuchi et al. (U.S. Patent 6,988,578 B2).

4. Regarding claims 1, 2 and 11, Kikuchi discloses an elongate airbag 33 (Figs. 1-7B) as in the present invention comprising:

an airbag body having a generally elongate, narrow tubular configuration upon inflation thereof;

an elongate internal space in the airbag body that is inflated upon airbag deployment;

at least one material panel 33 of the airbag body that is formed into an elongate configuration extending in the longitudinal direction about at least a portion of the internal space; and

at least one panel portion 34, 47 of the one material panel 33 that extends in the longitudinal direction in the internal space and acts to tether the airbag for limiting inflation thereof in a direction transverse to the longitudinal direction and away from the exterior surface 18b of the vehicle pillar 18;

wherein the one panel portion 34, 47 divides the airbag internal space into at least two isolated chambers, and the one panel portion includes at least one vent hole 45, 48 to provide airflow between the chambers for substantially uniform airbag inflation;

including a gas generator for inflating the airbag internal space for airbag deployment.

5. Regarding claim 12 and 13, Kikuchi discloses an elongate airbag 33 (Figs. 1-7B) as in the present invention comprising:

an airbag body having a generally elongate, narrow tubular configuration upon inflation thereof;

an elongate internal space in the airbag body that is inflated upon airbag deployment;

at least one material panel 33 of the airbag body extending at least partially about the internal space;

at least one elongate tether panel 34, 47 that extends in the longitudinal direction and divides the internal space into at least two elongate chambers that both extend in the longitudinal direction; and

a plurality of vent holes 48 in the tether panel spaced longitudinally from each other in the longitudinal direction along the elongate tether panel to allow the two chambers to be in communication for substantially uniform airbag inflation;

wherein the one material panel and one tether panel are of a single material piece.

6. Regarding claims 21 and 26, Kikuchi discloses a method of forming an airbag 33 (Figs. 1-7B) as in the present invention comprising:

folding at least one material panel 33 to extend about at least a portion of an airbag internal space to be inflated with the internal space of the inflated airbag having an elongate configuration extending in a longitudinal direction;

tethering the airbag with a portion 34, 47 of the one material panel extending in the longitudinal direction in the airbag internal space to limit inflation thereof in a direction transverse to the longitudinal direction;

dividing the airbag internal space into at least two elongate chambers extending in the longitudinal direction with the longitudinally extending portion of the one material panel in the airbag internal space; and

providing a through opening 45, 48 in the material panel portion 34, 47 to vent inflation gas therethrough for substantially uniform airbag inflation;

including mounting the airbag to an exterior surface 18b of a pillar 18 of a vehicle for pedestrian protection with tethering of the airbag limiting inflation of the airbag in a direction away from the vehicle pillar upon airbag deployment.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 3, 16, 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kikuchi et al. (U.S. Patent 6,988,578 B2) in view of Weir et al. (U.S. Patent 5,906,391), as cited by applicant.

9. Regarding claim 3, 16, and 22, Kikuchi discloses the claimed invention except for the at least one material panel comprising a pair of material panels that are folded to form the two chambers; wherein the folding of at least one material panel comprises folding a pair of material panels about the airbag internal space, and the tethering of the airbag comprises tethering the airbag with a portion of one of the pair of material panels or portions of both of the pair of material panels. Weir discloses that it is known in the art to provide the at least one material panel comprising a pair of material panels 12, 124, 124a, 152, 152a that are folded to form the two chambers (Figs. 1-8, 12, 13); wherein the folding of at least one material panel comprises folding a pair of material panels about the airbag internal space, and the tethering of the airbag comprises

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tethering the airbag with a portion of one of the pair of material panels or portions of both of the pair of material panels. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the airbag of Kikuchi according to the teachings of Weir, in order to facilitate manufacturing and assembly.

10. Claims 3, 6, 16, 17, 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kikuchi et al. (U.S. Patent 6,988,578 B2) in view of Jang et al. (EP 1 122 134), as cited by applicant.

11. Regarding claim 3, 6, 16, 17, and 22, Kikuchi discloses the claimed invention except for the at least one material panel comprising a pair of material panels that are folded to form the two chambers; wherein the one material panel is longer than the other material panel of the pair of material panels in a widthwise direction transverse to the longitudinal direction due to the one panel portion thereof so that only a single material layer divides the two chambers from each other; wherein the one tether panel is integral with one of the pair of material panels so that the one tether panel comprises a single material layer; wherein the folding of at least one material panel comprises folding a pair of material panels about the airbag internal space, and the tethering of the airbag comprises tethering the airbag with portion of one of the pair of material panels or portions of both of the pair of material panels. Jang discloses that it is known in the art to provide the at least one material panel comprising a pair of material panels 540, 550 that are folded to form the two chambers (Figs. 6-12); wherein the one material panel is longer than the other material panel of the pair of material panels in a widthwise

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direction transverse to the longitudinal direction due to the one panel portion thereof so that only a single material layer divides the two chambers from each other; wherein the one tether panel is integral with one of the pair of material panels so that the one tether panel comprises a single material layer; wherein the folding of at least one material panel comprises folding a pair of material panels about the airbag internal space, and the tethering of the airbag comprises tethering the airbag with portion 541 of one 540 of the pair of material panels. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the airbag of Kikuchi according to the teachings of Jang, in order to facilitate manufacturing and assembly.

### ***Response to Arguments***

12. Applicant's arguments with respect to claims 1-3, 11-13, 16, 17, 21, and 22 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within



TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joselynn Y. Sliteris whose telephone number is 571-272-6675. The examiner can normally be reached on Mon, Thurs & Fri 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul N. Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

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